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**TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS**

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**Notice of Public Hearing**  
LSA Document #08-606**Notice of Public Hearing**

Under [IC 4-22-2-24](#), notice is hereby given that on November 17, 2008, at 1:00 p.m., at the Indiana Government Center South, 402 West Washington Street, Room W064, Indianapolis, Indiana, the State Board of Cosmetology Examiners will hold a public hearing on a proposed rule to amend [820 IAC 5-1-20](#) concerning license application requirements for tanning facilities, to add [820 IAC 7-1-1](#) and [820 IAC 7-1-3](#) to establish fees for application, issuance, and renewal of cosmetology school licenses, beauty culture instructor licenses, cosmetology salon licenses, electrology salon licenses, esthetic salon licenses, manicurist salon licenses, cosmetologist licenses, electrologist licenses, esthetician licenses, manicurist licenses, and tanning facility licenses, and to establish fees for examinations for licensure to practice as a beauty culture instructor, cosmetologist, electrologist, esthetician, and manicurist.

In 2005, the General Assembly enacted SEA 139 (P.L. 194-2005) to give the Indiana Professional Licensing Agency and the boards, commissions, and committees it serves the authority to set fees by rule that had previously been set by statute. The types of small businesses most likely to be affected by the proposed rule are cosmetology schools, cosmetology salons, manicuring salons, esthetics salons, electrology salons, and tanning salons. While the board does not gather and maintain information on the number of employees and amount of earnings for these businesses, it is reasonable to assume that, because of the nature of the industry, the majority of the licensees are small businesses. Under [IC 25-1-8-2](#), fees shall not be less than are required to pay all of the costs, both direct and indirect, of the operation of the cosmetology board. The proposed rule changes will neither increase nor decrease the number of small businesses already affected by the current regulations. The fee for licensure by reciprocity is being reduced from \$100 to \$40. In 2007, the board issued 488 licenses by reciprocity. If a similar amount of licenses are issued by reciprocity in the future, the state will see a small decrease in revenue amounting to \$29,280 annually. However, the benefit to applicants by lowering the fee will outweigh this small loss in revenue. The board desires to promote mobility of licensure. Since the rule provides no change in the amount of fees to be assessed to cosmetology schools, cosmetology salons, or tanning salons, the consideration of alternate compliance or reporting requirements or other operational standards was not appropriate. There are no new reporting or record keeping requirements for small businesses as a result of the proposed rule. The board sought to set fees at the minimum levels needed in order to comply with [IC 25-1-8-2](#). The board used data supplied by the Indiana Professional Licensing Agency in determining the fiscal impact of the rule.

Copies of these rules are now on file at the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly  
Executive Director  
Indiana Professional Licensing Agency

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